United Nations A/AC.261/IPM/17

General Assembly

Distr.: General
29 November 2001

Original: English

Informal Preparatory Meeting of the Ad Hoc Committee for the Negotiation of a Convention against Corruption
Buenos Aires, 4-7 December 2001

Proposals and contributions received from Governments

Zambia: proposals concerning the United Nations Convention against Corruption

The proposals of Zambia are along the lines of the Southern African Development Community Protocol against Corruption, which Heads of State or Government of the member States of the Community signed in Blantyre, Malawi, on 14 August 2001. The following are the proposals:

(a) The convention should begin with a preamble, which would include some of the statements in the resolution of the General Assembly;

(b) It should have a section on definitions where terms such as "corruption" or "bribery", "public body", "public official", "confiscation" and "jurisdiction" are defined;

(c) It should have provisions explaining or listing the purposes or objectives of the convention;

(d) It should have provisions explaining what acts of corruption it covers. Here acts of corruption should cover not only public but also private officials. It should also cover corruption by foreign public officials;

(e) It should have provisions covering preventive measures against corruption in addition to investigative measures;

(f) The convention should include provisions obliging States parties to adopt measures to establish jurisdiction over offences established in accordance with the convention;

(g) It should have provisions dealing with development and harmonization of policies and domestic legislation in order to fulfil the purpose of the convention;

(h) The convention should have provisions obliging States parties to adopt measures for the confiscation of proceeds derived from the acts of corruption set

V.01-89126 (E) 301101 301101

forth in the convention and to provide mutual assistance in returning such proceeds to their countries of origin;

(i) It should have provisions dealing with extradition, judicial and legal assistance, protection of "whistle-blowers" and witnesses and protection of sovereignty. The issues mentioned in paragraph 3 of the terms of reference for the negotiation of the United Nations Convention against Corruption[1] must be covered in detail;

(j) The convention must provide for an institutional arrangement for implementation and oblige States parties to designate an authority for making and receiving requests for assistance and cooperation under the convention;

(k) The convention must explain its relationship with other treaties, conventions and protocols;

(l) The convention should provide for States to notify the Secretariat of measures, legislations and so on that they introduce as a result of or relevant to the convention. The Secretariat shall keep this and other related information for ease of access by States parties;

(m) The convention should indicate who the duly authorized signatories to the convention will be, methods of ratification and when it should come into force;

(n) It should also provide for ways by which the convention can be amended.

Notes

[1] See *Official Records of the Economic and Social Council, 2001, Supplement No. 10* (E/2001/30/Rev.1), part two, chap. I, sect. A, para. 1.